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C O N F I D E N T I A L CAIRO 000452

SIPDIS

FOR NEA/ELA AND DRL/NESCA
NSC FOR PASCUAL AND KUCHTA-HELBLING

E.O. 12958: DECL: 03/16/2029
TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [EG](#)
SUBJECT: INDEPENDENT JOURNALISTS FINED FOR VIOLATING GAG
ORDER ON SENSITIVE CASE

REF: A. CAIRO 284
[B](#). 08 CAIRO 2452
[C](#). 08 CAIRO 2027

Classified By: ECPO Mincouns William R. Stewart for reason 1.4 (d).

[1](#)1. (C) On February 26, a Cairo court fined the editors of the independent newspapers "Al-Masry Al-Youm" and "Al Wafd," and three reporters from the papers, LE 10,000 (1,800 USD) each for allegedly violating a November 16, 2008 gag order on the ongoing murder trial of regime insider Hisham Talat Mustafa (ref B). The Public Prosecutor brought the case against the independent journalists for publishing articles on November 20, 2008 citing witness testimony from the Mustafa trial. A district attorney dismissed similar charges against three pro-government newspapers in November 2008 (ref B). Mustafa is currently on trial for allegedly ordering the murder of his former girlfriend, Lebanese pop singer Suzanne Tamim, in Dubai in July 2008 (ref C). Mustafa, who is in jail during the trial, was an influential NDP parliamentarian and confidante of presidential son and NDP Assistant Secretary-General Gamal Mubarak.

[1](#)2. (C) Human rights attorney Negad Al-Borai, who is defending the "Al-Masry Al-Youm" journalists, told us he is appealing the fines on the grounds that the gag order law is unconstitutional and that the verdict was improperly reasoned. He assessed that the relatively light fine represented a compromise between the government's interests in silencing reporting on the Tamim murder trial and the judge's desire to throw out the case. (Note: Per ref A, the fines against journalists over the past 6 months have ranged between LE 20,000 (3,600 USD) and LE 150,000 (25,000 USD), so this fine is indeed relatively light. End note). Al-Borai speculated that the judge eventually capitulated to GOE political pressure.

[1](#)3. (C) Comment: This verdict was probably influenced by the government's interest in preventing the public airing of potentially embarrassing details in the Mustafa case. Some anti-corruption activists believe Mustafa may have used funds from a corrupt land deal with the government to finance Tamim's murder. We believe that a November 20, 2008 reference in "Al-Masry Al-Youm" to the prosecution's subpoena of Mustafa's accountant may have been the critical factor in the lawyers' decision to file a case against the independent journalists. This is the first fine in recent memory against the leading independent daily, "Al-Masry Al-Youm," and human rights contacts believe the GOE is pleased to be able to show that the paper is not "untouchable."
SCOBAY